

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PROLITEC INC,

Plaintiff,

Case No. 12-cv-0483-bhl

v.

SCENTAIR TECHNOLOGIES INC,

Defendant.

DECISION AND ORDER

On May 15, 2012, Plaintiff Prolitec Inc. filed a complaint against Defendant ScentAir Technologies, alleging that ScentAir was infringing United States Patent Number 7,930,068 (“’068 patent”). (ECF No. 1.) On September 20, 2012, Prolitec amended its complaint to allege ScentAir was also infringing United States Patent Number 7,712,683 (“’683 patent”). (ECF No. 18.) Both patents involve methods and systems for controlling operation of a liquid diffusion appliance. (*Id.*) On May 17, 2013, the Court administratively closed the case and granted defendant’s unopposed motion to stay the proceedings pending *inter partes* review of both patents. (ECF No. 62.)

On October 2, 2020, ScentAir filed a motion to reopen the case, for summary judgment, and for judgment on the pleadings. (ECF No. 65.) Prolitec does not oppose reopening the case, summary judgment, or judgment on the pleadings. (ECF No. 70.) The parties only dispute is the language of this Court’s order disposing of the case. Plaintiff wants the Court to expressly state that amended claim 3 of the ‘683 patent, a claim that both parties agree is not currently before the Court, is not covered by this Court’s final order. (*Id.*) Defendant wants the Court to remain silent on the issue. (ECF No. 73.) Because the parties agree that amended claim 3 of the ‘683 patent is not presently before the Court, this order does not address that claim. Accordingly,

IT IS HEREBY ORDERED that defendant’s motion to reopen the case is **GRANTED** and the Clerk of Court is directed to open this matter.

IT IS FURTHER ORDERED that defendant's motion for summary judgment for its declaratory judgment counterclaims of patent invalidity on claims 1, 3-5, 9-13, 15, 22-24, 26, 28, and 33 of U.S. Patent No. 7,930,068, ("068 patent") and claims 1 and 2 of U.S. Patent No. 7,712,683 ("683 patent") is **GRANTED**.

IT IS FURTHER ORDERED that defendant's motion for judgment on the pleadings as to claims 1, 3-5, 9-13, 15, 22-24, 26, 28, and 33 of the '068 patent and claims 1 and 2 of the '683 patent is **GRANTED**.

Dated at Milwaukee, Wisconsin on December 2, 2020.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge